

REMARKS

The Amendment, filed in response to the Office Action (“Action”) mailed January 15, 2009, is believed to fully address all and every issue raised in the Action. Favorable reconsideration of the application is respectfully requested.

Claims Disposition and Amendments

Claims 1-9 are all the claims pending in the application. Claim 1-6 stand rejected.

Claims 7-9 are allowed.

Upon entry of the amendment, which is respectfully requested, claims 1, 2, 3, and 4 will be amended to more clearly set forth the claimed subject matter. Amended claims 1, 2, 3, and 4 are supported by original claims. In amended claim 3, the name of a compound is changed to a name which might be more accurate under standard nomenclature. The structure of the compound is described in Table 1 on page 35 (compound of Example 30) and the description of pages 30-31 of the specification. No new matter is introduced.

Similarly, in the specification, the name of the compound of Example 30 is changed to bring it into one which might be more accurate. Furthermore, typographical error in Table 1 on page 35 (i.e., definitions of the identifier “m” of the compound of Examples 29 and 30 are corrected based on the descriptions of pages 27-31 of the specification. No new matter is introduced.

Formal Matters

Applicant thanks the Examiner for acknowledging Applicant’s claim for priority from foreign application and receipt of the copies of the certified copies of the priority documents from the IB.

The Applicant thanks the Examiner for consideration of the reference disclosed on July 14, 2006.

Also, Applicant requests that the references disclosed in the present application on March 31, 2006, also be considered.

Statement of Substance of Interview

Applicant thanks the Examiner for clarifying the rejections during the telephonic interview made on February 18, 2009.

At the interview, the item 4.A regarding claim 1 and item 4.D regarding claim 4 were discussed.

In more detail, in item 4.A of the Action, the Office rejected claim 1 under 35 U.S.C. § 112, second paragraph and requested Applicant to clarify if the radicals “acylaryl or acylheteroaryl” were intended for the definition of R₁. As claim 1 does not recite the term “acylaryl or acylheteroaryl,” but recites “acrylaryl or acrylheteroaryl,” Applicant’s counsel explained it to the Examiner, and the Examiner admitted that she misread the recitation.

Applicant’s counsel further explained that such compounds are supported by compounds of Examples 31 and 32.

In item 4.D, the Office suggested that the compound of formula (I) should be depicted in claim 4. As claim 4 does not recite or refer to formula (I), the Applicant’s counsel explained it and the Examiner agreed to the explanation. Furthermore, it was discussed that the recitation “have the same meanings as defined in claim 1” in claim 4 is replaced with full definitions of each functional group.

Response to the Examiner's Suggestion to Specification

As requested by the Examiner, page 1 of the specification of the instant application is amended to incorporate the PCT application as well as foreign priority information.

Responses to the Rejections

Claims 1-6 are rejected under 35 U.S.C. 112, second paragraph, as assertedly being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to the rejection of the term "benzthiazole" of claim 2, Applicant amends it to read "benzothiazole," as suggested by the Examiner, rendering the rejection moot.

With regard to the Office's statement regarding claim 3, Applicant address the issue by adjusting the spacing of claim language of claim 3.

Regarding the Office's statements regarding claims 1 and 4, it is believed that no amendment to claims 1 and 4 is necessary because, as summarized above, the Examiner clarified that these items were based on misreading of claims 1 and 4. With regard to the antecedent basis of claims 4-6, Applicant amends claim 4 merely in order to bring it in a proper base claim format (i.e., not referring to other base claim), rendering the rejection moot.

Therefore, the rejections are not sustainable and withdrawal is respectfully requested.

Conclusion

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number **202-775-7588**.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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Date: May 14, 2009